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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,475	10/17/2003	Akira Daiiri	051319-0073	2146
29619	7590	10/27/2004	EXAMINER	
SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022			LE, DANG D	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/688,475

**Applicant(s)**

DAIRI, AKIRA

**Examiner**

Dang D Le

**Art Unit**

2834

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/10/04 &amp; 3/22/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: delete “[“ and “]” at line 2. Appropriate correction is required.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 5/10/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. There is no copy of JP 3306870B2.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nutter (5,287,030) in view of Tominaga (5,057,729).

Regarding claim 1, Nutter shows a motor equipped with a cylindrical inner casing and outer casing partitioned in the direction of the axis of rotation of the motor,

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- A shaft (22) supported by bearings (32) on these casings so as to be able to rotate freely,
- A rotor (12) integrated as a single unit with said shaft, and
- A ring-shaped stator (11) equipped facing said rotor, and wrapped with coils (17), where not only is said inner casing (13) fitted into and secured within said outer casing (14), but said stator (11) is interposed between said casings;
- Wherein at said outer casing and/or said inner casing is provided with a spring part (51) in order to increase the holding power of said stator by said casings.

Nutter does not show said motor being characterized by said outer casing and said inner casing being secured to each other by caulking, adhesive, or welding.

Tominaga shows the motor being characterized by said outer casing and said inner casing being secured to each other by caulking, adhesive (102), or welding for the purpose of sealing.

Since Nutter and Tominaga are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to seal the motor as taught by Tominaga for the purpose discussed above.

Regarding claims 4-7, it is noted that Nutter and Tominaga also show all of the limitations of the claimed invention.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nutter in view of Tominaga and further in view of Gaser et al. (5,041,749).

Regarding claim 2, the motor of Nutter modified by Tominaga includes all of the limitations of the claimed invention except for a rotational stop means for said stator being provided.

Gaser et al. provides a rotational stop means for the stator for the purpose of mounting the stator in place.

Since Nutter, Tominaga, and Gaser et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a rotational stop means as taught by Gaser et al. for the purpose discussed above.

Regarding claim 3, it is noted that Nutter, Tominaga, and Gaser et al. also show all of the limitations of the claimed invention.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nutter in view of Tominaga and further in view of Schulte et al. (4,118,644).

Regarding claim 8, the motor of Nutter modified by Tominaga includes all of the limitations of the claimed invention except for the casings being fabricated through sheet metal processes.

Schulte et al. make the casings through sheet metal processes for the purpose of reducing cost.

Since Nutter, Tominaga, and Schulte et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the casings through sheet metal processes as taught by Schulte et al. for the purpose discussed above.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nutter in view of Tominaga and further in view of Tanaka et al. (5,945,759).

Regarding claim 9, the motor of Nutter modified by Tominaga includes all of the limitations of the claimed invention except for the motor being a stepping motor.

Tanaka et al. make the motor as stepping motor for the purpose of processing image.

Since Nutter, Tominaga, and Tanaka et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the motor as stepping motor as taught by Tanaka et al. for the purpose discussed above.

***Information on How to Contact USPTO***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/19/04



**DANGLE  
PRIMARY EXAMINER**